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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,375	12/01/2008	Peter Steven Robertson	9404.19775-PCT US	3880
26308 7590 08/06/2010 RYAN KROMHOLZ & MANION, S.C. POST OFFICE BOX 26618 MILWAUKEE, WI 53226			EXAMINER RAYMOND, EDWARD	
			ART UNIT 2857	PAPER NUMBER
			NOTIFICATION DATE 08/06/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RKMIPPatent@rkmiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,375	<b>Applicant(s)</b> ROBERTSON ET AL.	
	<b>Examiner</b> EDWARD RAYMOND	<b>Art Unit</b> 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 13-21 and 23-32 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 10, 11, 13 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060925</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. **Claim 13** is objected to because of the following informalities: Claim 13 recites “any one of mains signalling”. This appears to be a typographical error because it needs to insert “the” before “mains” for proper antecedent basis and “signalling” is misspelled. Appropriate correction is required.
2. **Claims 7, 8, 10-12, and 22** objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the **claims 7, 8, 10-12 and 22** have not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 9, 13-21 and 23-32** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2007/0156291 to Curt et al.

Curt et al. teach a power consumption monitoring apparatus (Claims 1 and 23: see paragraph 62), comprising: at least one electrical measurement device for

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generating a signal indicative of the electrical power passing through an electrical power line at the location of the measurement device (Claims 1 and 23: see paragraph 62); at least one data controller adapted to receive the signal from the measurement device (Claims 1 and 23: see Figure 2A and 2B: Processor 61 and Measurement Device 23, respectively) and to convert the signal into a data transmission stream conveying at least one power consumption statistic (Claims 1 and 23: see paragraphs 63 and 71), the data controller including a transmitter for transmitting the data transmission stream across a communications medium (Claims 1 and 23: see paragraph 64); and a display controller including a receiver for receiving the stream from the communications medium (Claims 1 and 23: see paragraph 64), the display controller adapted to convert the stream into one or more data display transmission signals for reception by a variety of display devices to display power consumption statistics (Claims 1 and 23: see paragraph 64).

Curt et al. teach an apparatus, wherein the electrical measurement device is adapted to replace a main fuse in a mains network (Claim 2: see paragraph 91).

Curt et al. teach an apparatus, wherein the electrical measurement device is adapted for either, insertion into, or attachment to, a mains fuse box (Claims 3 and 26: see paragraph 91).

Curt et al. teach an apparatus, wherein the electrical measurement device is adapted for insertion into a mains outlet socket (Claim 2: see paragraph 91 and Figure 1: Insertion into main).

Curt et al. teach an apparatus, wherein the electrical measurement device includes an outlet socket adapted to receive a power consuming device (Claim 5: see Figure 1).

Curt et al. teach an apparatus, wherein the data controller is integrated with the electrical measurement device (Claim 6: see Figure 2A and 2B).

Curt et al. teach an apparatus, wherein the data controller further includes a receiver for receiving signals from the electrical measurement means (Claim 9: see paragraph 98).

Curt et al. teach an apparatus, wherein the data controller and display controller are adapted to communicate using any one of mains signaling, wireless communication protocols or hard-wired network communications (Claims 13, 24 and 25: see paragraph 64).

Curt et al. teach an apparatus, wherein the display controller includes a signal decoder to perform the conversion of the data transmission stream into the one or more data display transmission signals (Claim 14: see paragraph 64).

Curt et al. teach an apparatus, wherein the display controller includes an interface for communicating the data display transmission signals to a personal computer (Claim 15: see paragraph 64).

Curt et al. teach an apparatus, wherein the interface is a USB standard interface suitable for connection to a USB port on the personal computer (Claim 16: see Figure 1: Connection to PC 13 and a USB port would be suitable connection).

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Curt et al. teach an apparatus, wherein the display controller further includes storage means (Claims 19, 27 and 28: see paragraph 100) adapted to record one or more power consumption statistics to form a set of historical power consumption data (Claims 19, 27 and 28: see paragraphs 100 and 101).

Curt et al. teach an apparatus, wherein the display controller is adapted to generate one or more data display transmission signals which include historical power consumption data (Claim 20: see paragraph 101).

Curt et al. teach an apparatus, wherein the display controller includes a processor to calculate power usage statistics based on historical power consumption data (Claims 21 and 29: see paragraph 93 and 101).

Curt et al. teach a method, wherein the data controller automatically sends a restart signal to the electrical measurement device in response to the data controller suffering a power failure (Claim 30: see paragraphs 188 and 202: Parameter change could include power failure).

Curt et al. teach a method, further comprising the step of controlling power interruption means in the electrical measurement device for interrupting electrical power passing through the electrical power line (Claim 31: see paragraphs 188 and 202).

Curt et al. teach a method, wherein the step of controlling includes sending on and off signals to the electrical measurement device from the data controller (Claim 32: see paragraphs 188 and 202).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Curt et al. in view of U.S. Patent Publication No. 2006/0195229 A1 to Bell et al.

Curt et al. teach all of the features of the claimed invention, except an apparatus, wherein the interface is a standard coaxial connector suitable for connection to a UI-IF input socket on the television with a SCART input socket. Bell et al. teach a standard coaxial connector (Claims 17 and 18: see paragraph 27). It would have been obvious to the person having ordinary skill in the art at the time of the invention to modify Curt et al. to use a standard coaxial connector, because this would allow for the power

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consumption data to be distributed over a cable network for display on a consumer television for monitoring.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD RAYMOND whose telephone number is (571)272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Raymond/  
Primary Examiner  
Art Unit 2857

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